

**Amendments to the Drawings:**

The attached sheets of drawings include changes to FIG. 3. One of the attached sheets is annotated to show the revision made to FIG. 3. The other attached sheet includes the revision to FIG. 3 that is marked by the annotation to the first sheet and is considered a replacement sheet.

Attachments:        Replacement sheet for FIG. 3  
                         Annotated sheet showing revisions to FIG. 3

### **REMARKS**

The shortened statutory period in which to file a response to the Office Action mailed April 27, 2003 expired on July 27, 2005. Since this Amendment is being filed in the second month after July 27, 2005, i.e., after August 27<sup>th</sup> but prior to September 27<sup>th</sup>, a petition and the fee for a two-month extension of time in which to respond to the April 27<sup>th</sup> Office Action is filed contemporaneously herewith. The Commissioner is also hereby expressly authorized to charge any additional fees that might be due for the petition for an extension of time and authorized to credit any overpayment of fees, to the Ladas and Parry LLP deposit account, the number of which is 12-0400.

### **Drawings**

In the April 27<sup>th</sup> Office Action, the Examiner objected to FIG. 3 because it needs to be labeled as prior art. One of the enclosed drawing sheets is a revised copy of FIG. 3 to which the words "PRIOR ART" have been added. The other enclosed drawing sheet is an annotated copy of revised FIG. 3 marked to show the added words. The drawing objection is believed to be overcome.

### **Specification**

The Examiner objected to the title as not being descriptive. As can be seen above, the title has been amended to change the name of the invention as suggested by the Examiner. The Examiner's objection to the title is believed overcome.

Claim objections

Claims 4-6 and 8 were objected to because they used the term “IPS type” which the Examiner said makes the claims indefinite. As amended above, the word “type” has been deleted from each of claims 4-6 and 8.

Claims 1, 2 and 7 were also objected to because they used the term “formed *of* the protection layer” whereas the Examiner preferred “formed *on* the protection layer.”

Claims 1, 2 and 7 have been amended to overcome the Examiner’s objections.

Claim rejections

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. patent publication 2003/0025868 and U.S. Patent No. 5,659,379 and U.S. Patent No. 6,281,952. Claim 1 was also rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,819,391 to Kim *et al.* in view of U.S. Patent No. 6,281,952 to Okamoto *et al.*

Claim 1 is directed to a solution to the prior art problem of differences in the protection layer film thickness. Protection layer film thickness is varied according to height differences between the pixel part and the non-pixel peripheral part. Claim 1 as amended now recites “no colored layer is formed between the black matrix in the pixel part” of the device.

U.S. patent publication 2003/0025868 to Hiroshima *et al.*, which the Examiner relies on to reject claim 1, teaches in paragraph [0049] that “color filters... in a plurality of colors...are “defined by [the] black matrix.” On this new

limitation alone, claim 1 avoids the Hiroshima *et al.* reference. Note too, that when a protection layer is formed on the filters taught by Hiroshima *et al.*, the protection layer thickness does not vary, with the result being that the prior art problem overcome by the Applicant's invention recurs.

U.S. Patent No. 6,819,391 to Kim *et al.* also teaches the use of a colored layer. Reference numeral 220 of Kim identifies the color layer used in the various embodiments that are shown in the patent's figures.

FIG. 1 of Hiroshima *et al.* shows that the columnar spacer provided in the outer peripheral part is not formed in an area where the black matrix is formed. Those columnar spacers are formed in such a manner that half of each columnar spacer is on the black matrix but not the other half. It cannot be said that that columnar spacer is formed in the area where the black matrix is formed. The present invention is therefore not obvious by Hiroshima *et al.*

It should be noted too, that FIG. 2 of Hiroshima shows columnar spacers SP2 and SP3 inside the seal SL having a height that is *greater* than the height of the spacers SP1 inside the seal and within the pixel part. Claim 1 on the other hand recites that the columnar spacer in the pixel part is higher than the columnar spacer in the peripheral part.

Claims 2, 5, 7 and 8 were allowed.

Claims 3 and 6 were objected to because they depend from a rejected base claim. These claims were held to be allowable if they were re-written to include all of the limitations of the claim from which they depend.

The Applicant submits that the foregoing amendment to claim 1 renders it allowable. Claims 3 and 6 are therefore allowable as well.


Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kim *et al.* (U.S. Patent No. 6,819,391) and U.S. Patent No. 6,281,952 to Okamoto *et al.*

Claim 4 depends from claim 1. Since claim 1 as amended recites that no colored layer is formed between the black matrix in the pixel part and since Kim *et al.* teaches the inclusion of a colored layer, Kim *et al.* is avoided by claim 1 as amended.

For the reasons set forth above, the Applicant believes that the Examiner's objections have been overcome. For the reasons set forth above, the Examiner's claim rejections have been traversed. Reconsideration and allowance of the claims that were previously rejected or objected-to is requested.

Respectfully submitted,

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